

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON WILLIAM SANDBERG,

Plaintiffs,

v.

RON VAN BOENING, et al.,

Defendants.

Case No. C09-5347RJB/JRC

ORDER ADOPTING A REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura (Dkt. 78), objections to the Report and Recommendation (Dkt. 79), plaintiff's motion for extension of time (Dkt. 80), and the remaining record, does hereby find and ORDER:

1. The Court ADOPTS the Report and Recommendation (Dkt. 78);
2. This defendants are correct that they are entitled to dismissal of the complaint. However plaintiff should be given leave to file an amended complaint if he has an issue that is a constitutional violation that has been exhausted through the grievance system. Accordingly, plaintiff's motion for extension to time to file an amended complaint (Dkt. 80) is GRANTED. Plaintiff shall file any amended complaint, no later than January 5, 2011. If plaintiff fails to file an acceptable amended complaint by January 5, 2011, the court may dismiss this case.

